

James City County Essential Guide for Business

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If you note a correction needed in the James City County Essential Guide to Business, please contact the Office of Economic Development of James City County at 757-253-6607.

I. Getting Registered - The Quick Guide

Registering with James City County

James City County Business License

James City County requires that all businesses operating within James City County register with the Commissioner of the Revenue for local taxation purposes. Business licenses must be obtained by March 1 of the tax year or within ten (10) days of beginning business, whichever is later.

For additional information on licenses and fees, please refer to the Business Taxes section of this document or contact:

James City County Commissioner of the Revenue

101-B Mounts Bay Road Williamsburg, VA 23185 757-253-6698 Fax 757-253-6733

http://www.jamescitycountyva.gov/439/Business-Licenses

Fictitious Name (Assumed Name)

Any business operating with a name other than the true legal name of the owner (individual, corporation, LLC, etc.) must register that fictitious name with the State Corporation Commission (SCC). No business license will be issued, or registrations for other local taxes accepted by the Commissioner of the Revenue without this registration. You may contact the Clerk of the SCC at 804-371-9733 or toll-free in Virginia at 1-866-722-2551 for more information.

For forms, and additional information on assumed names, trade names and DBAs, contact the:

James City County Commissioner of the Revenue

101-B Mounts Bay Road Williamsburg, VA 23185 757-253-6698

Fax: 757-253-6733

http://www.jamescitycountyva.gov/385/Commissioner-of-the-Revenue

Clerk of the Circuit Court

5201 Monticello Avenue, Suite 6 Williamsburg, VA 23188 757-564-2242

http://www.jamescitycountyva.gov/150/Clerk-of-the-Circuit-Court

Registering with the State of Virginia

The official website of the Commonwealth of Virginia, <u>www.virginia.gov</u>, provides resources to assist businesses with relevant tax, workforce, licensing and other issues.

For more information, please visit https://www.virginia.gov/business services.

State Corporation Commission (SCC)

The State Corporation Commission has resources available to assist with identifying the appropriate business structure. Once you determine the appropriate structure, you can establish your business by filing with the State Corporation Commission. Filing your business ensures there isn't another business entity in the Commonwealth doing business under the same business name.

For more information on business organization, contact the:

SCC

Clerk's Office, Tyler Building 1300 East Main Street P.O. Box 1197 Richmond, VA 23218 804-371-9967 (direct dial) www.scc.virginia.gov

Virginia Department of Professional and Occupational Regulation (DPOR)

Businesses regulated by licensing or permitting requirements are involved in areas relating to public health or safety, such as engineering, architecture, health professions, environmental hazards, building codes, and financial services such as CPA's, real estate agents, surveyors and employment agencies.

To find out if the business you intend to start is subject to licensing by the Commonwealth of Virginia, contact the:

DPOR

Perimeter Center, Suite 102 9960 Mayland Drive Richmond, VA 23233 804-367-8500 www.dpor.virginia.gov

State Contractor Licenses, Tradesman Licenses, Certified Water Well System Providers, Certified Elevator Mechanics and Certified Backflow Prevention Device Workers

Persons, firms, or corporations engaging in the construction of new structures or new additions to existing structures, or those involved in remodeling, repair or demolition of existing structures are *required* to be licensed in the Commonwealth of Virginia, as well as being properly registered in James City County. Individuals performing work on water well systems, elevators, escalators or other such conveyances and those individuals performing plumbing, HVAC, electrical or gas-fitting work may be required to hold an individual certification/license issued by the Board for Contractors. This requirement is applicable to (but not limited to) *building contractors, residential contractors, commercial contractors and subcontractors (electrical, plumbing, mechanical, masonry, etc).* Fees for licenses vary according to the type of license issued.

For more information on state contractors' licenses, contact the:

Virginia Board of Contractors, Tradesman Program, Department of Professional and Occupational Regulation

9960 Mayland Dr., Suite 102 Richmond, VA 23233 804-367-8500 www.dpor.virginia.gov

Virginia Department of Agriculture and Consumer Services (DACS)

Most businesses that engage in the manufacture or distribution of foods, beverages, and/or food additives of any type (whether on a seasonal basis or not) are required to be inspected by the Virginia Department of Agriculture and Consumer Services (note: Molluscan shellfish shucking plants, crab picking plants, and Grade A dairy processing facilities are inspected by the Virginia Department of Health). Should you intend to engage in a food-related business of this type, please contact the appropriate agency. The agency will supply you with an informative packet containing food-related business information and regulatory requirements. These businesses may also be required to obtain a permit from the Virginia Department of Commerce.

For basic information, starting a food business, licenses & registration and Inspection and grading services, please contact:

VDACS

102 Governor Street
Richmond, VA 23219
804-786-3520
www.vdacs.virginia.gov
www.vdacs.virginia.gov/starting a food business
www.vdacs.virginia.gov/licenses-registration
www.vdacs.virginia.gov/inspection-and-grading-services

Virginia Department of Health (VDH)

Several types of businesses, including all of those engaged in food handling, are required to obtain approval from the local office of the VDH and to have periodic inspections of their facilities in order to assure safe and sanitary operations within James City County. Permits are issued for restaurants, day care kitchens, school kitchens, catering operations, mobile food units, temporary food service events, and almost anytime food is prepared for, or served to, the public. These establishments are permitted annually, and there is a permit application fee. Any alterations, change of ownership, or new construction may require plan review, inspection, and approval by the local office of the VDH.

If you are planning to build a new food service establishment or renovate a facility that was not previously a restaurant, contact the Williamsburg Area Environmental Health Office (757-253-4813) regarding your plans so that an Environmental Health Specialist may advise you of the requirements and prevent any unnecessary delays. Plans and specifications for the construction, remodeling, or renovation *are* required.

For non-retail facilities, such as Molluscan Shellfish Shucking Plants, Crab Picking Plants, and Grade A Dairy Processing Facilities, VDH approval is also needed. <u>VDH also regulates Summer Camps, Campgrounds, and Public Swimming Pools, among other types of operations.</u>

For more information and specific fees that may apply to your business, please contact VDH. James City County is part of the Peninsula District of the Virginia Department of Health, and has a local office:

VDH, Williamsburg/James City County Regional Office

4095 Ironbound Road Suite 200 Williamsburg, VA, 23188 757-253-4813

Fax: 757-253-4285

www.vdh.virginia.gov

www.vdh.virginia.gov/restaurant operators

http://EnvironmentalHealth/Regulations

Virginia Department of Alcoholic Beverage Control (ABC)

All businesses that sell alcoholic beverages of any kind are required to obtain a liquor license from the Virginia Department of Alcoholic Beverage Control and a local business license through the Commissioner of the Revenue.

For more information on liquor licenses, contact the:

ABC Central Offic

2901 Hermitage Road Richmond, VA 23220 P.O. Box 27491 Richmond, VA, 23261 804-213-4400 **ABC Regional Office (Region 7)**

4907 West Mercury Blvd. Hampton, VA 23605 757-825-7830

<u>www.abc.virginia.gov</u> (click "licenses" across the top menu for more specific information)

Registering with the Federal Government

Employer Identification Number (EIN)

Businesses must have a taxpayer identification number so the Internal Revenue Service can process tax returns. These identification numbers are your *Social Security Number (SSN)* and/or your *Employer Identification Number (EIN)*.

When do you need an Employer Identification Number?

Proprietorships - An Employer Identification Number is needed if: 1) you pay wages to one or more employees, or 2) you file pension or excise tax returns (Source - IRS Pub. 334 - Tax Guide for Small Business).

Corporations, Partnerships and Limited Liability Companies by their nature will have EIN's assigned by the IRS upon registration.

For more information on Employer Identification Numbers, contact the:

IRS, Hampton Regional Office

903 Enterprise Pkwy. Hampton, VA 23666 757-751-6200 www.irs.gov IRS, Richmond Regional Office

400 North Eighth Street Richmond, VA 23219 804-916-8700

II. Business Taxes

James City County Taxes

All James City County taxes are assessed by the Commissioner of the Revenue's Office and payable to the Treasurer's Office.

James City County Commissioner of the Revenue

101-B Mounts Bay Road Williamsburg, VA 23185 757-253-6695 www.jamescitycountyva.gov/BusinessTaxes

James City County Treasurer's Office

101-B Mounts Bay Road Williamsburg, VA 23185 (757) 253-6705 www.jamescitycountyva.gov/Treasurer

Business Professional Occupational License Tax (BPOL)

What is BPOL? - A tax assessed on non-manufacturing business according to gross receipts from operation at the following rates:

- As of January 2006, first-time business applicants with total gross receipts less than \$4,000 are assessed a fee of \$30.00.
- Renewals with gross receipts less than \$4,000 are no charge.
- Businesses with gross receipts of \$4,000 up to \$49,999 are assessed a fee of \$30.
- Businesses with gross receipts of \$50,000 up to \$99,999 are assessed a fee of \$50.
- Businesses with gross receipts of \$100,000 and over are assessed at the following rates:
 - o Professional Services \$.58/\$100 Gross receipts
 - Other Services .36/\$100 Gross receipts
 - o Retail Sales .20/\$100 Gross receipts
 - o Contractors .16/\$100 Gross receipts
 - o Wholesale Sales .05/\$100 Gross receipts

Business licenses must be filed with the Commissioner of the Revenue's Office by March 1of the tax year, and business license taxes are due by April 5 of the tax year. Penalties, plus interest, apply for late filings and payments.

Business Personal Property (BPP)

What is Business Personal Property? - All equipment, furniture, fixtures, books, appliances, tools, office equipment, cash registers, and any other items used in the pursuit of your business. Business Personal Property does not include motor vehicles.

Business Personal Property Rate - \$4.00/\$100 value

Business Personal Property is valued at 25 percent of original capitalized cost.

You must file BPP by May 1 for property in use as of January 1 of a tax year. The due dates for payments are August 5 and December 5.

www.jamescitycountyva.gov/Business-Personal-Property-Taxes

Manufacturers - Machinery and Tool Taxes (M&T)

What is Machinery and Tool Tax? - Machinery and Tools is equipment used by a manufacturer directly in the production of goods.

Machinery and Tools - \$4.00/\$100 value

Machinery and Tools are valued at 25 percent of original capitalized cost.

You must file M&T no later than May 1 for equipment in use as of January 1 of a tax year. The due dates for payments are August 5 and December 5.

www.jamescitycountyva.gov/Machinery-Tool-Taxes

Food, Beverage and Transient Occupancy Taxes

What is Food, Beverage and Transient Occupancy Tax? - Food and Beverage, and Transient Occupancy taxes (more commonly known as Meals and Room Taxes) are collected monthly from hotels, motels, and restaurants.

www.jamescitycountyva.gov/Food-Beverage-Transient-Occupancy-Taxes

Virginia Taxes

Unemployment Compensation and Worker's Compensation

Businesses with employees may be required to pay *State Unemployment Compensation Taxes*. For more information on unemployment compensation, contact the:

Virginia Employment Commission

Hampton Office 600 Butler Farm Road Suite B Hampton, VA 23666 757-865-5800 www.vec.virginia.gov/employers

Private employers with three or more employees must carry *Workers' Compensation* insurance. Workers' Compensation insurance is obtained from private insurance agents with premiums regulated by law.

For more information on workers' compensation, contact the:

Workers' Compensation Commission

Central Office: 1000 DMV Drive Richmond, VA, 23220 804-367-9740 Regional Office:
281 Independence Blvd.
Pembroke One, Suite 600
Virginia Beach, VA 23462
804-367-8600
1-877-664-2566 (toll free in Virginia)
www.vwc.state.va.us

State Sales Tax, Withholding Tax, Corporate Income Tax and Other Non-Property Taxes

For businesses that are required to collect sales tax, the Virginia Department of Taxation issues a Certificate of Registration which allows you to collect and remit sales tax to the state.

Every corporation organized under the laws of Virginia, or having income from Virginia sources must file a *corporation income tax* return with the Virginia Department of Taxation.

State regulations also require registration with the Virginia Department of Taxation by businesses subject to litter tax, consumer use tax, and tire tax, as well as those required to withhold income tax from employees or to collect sales tax. In addition to the above named taxes, there are others that pertain to specific products. Consult licensed professionals or the Virginia Department of Taxation for more information.

For more information on State taxes, contact the:

Virginia Department of Taxation

Office of Customer Services P.O. Box 1115 Richmond, VA, 23218 804-367-8031 www.tax.virginia.gov

Federal Taxes

For more information on federal business taxes, contact the: **Internal Revenue Service** 1-800-829-1040 www.irs.gov

III. Overview of County regulations

Home Occupation

What if I want to start a business in my home?

Business activity within the home is limited. Always verify either in writing or in person with the Zoning Division that your business may be operated in a residential area without violating zoning laws. A business license cannot be obtained without a completed Home Occupation Registration when required.

www.jamescitycountyva.gov/HomeOccupationApplication

What kind of business may I have in my home?

The James City County Code for a home occupation requires that the occupation or activity be conducted entirely within the dwelling, i.e. not in the yard, garage, etc., and that no more than twenty-five percent (25%) of the first floor area is used throughout the structure for such activity.

In addition, the business cannot cause traffic to be generated in greater volumes than normal and cannot create noise, odor, smoke, dust or glare that may be detrimental to people residing in the home or on the adjacent properties.

Can I hire people to work for me from my home?

The only people that may work out of a particular home are those that live in the home.

If I would like to erect a sign for my home occupation - what are the limitations?

A sign for a home business is not required; however, if you desire to have one, then you may have one sign, **not to exceed four (4) square feet in size.** Such sign must be attached to the dwelling and **shall not be illuminated**.

For information on sign requirements, to verify the zoning of the property you plan to use or for questions concerning zoning of a home-based business, contact:

James City County Zoning Enforcement

101-A Mounts Bay Road
Williamsburg, VA, 23185
757-253-6685
zoning@jamescitycountyva.gov
www.jamescitycountyva.gov/Zoning-Enforcement

Is there anything else I should know before I start a Home Occupation? Prior to starting any home occupation, contact the Commissioner of the Revenue's Office to register your business.

To verify any licensing requirements of a home-based business, contact the:

James City County Commissioner of the Revenue

101-B Mounts Bay Road
Williamsburg, VA, 23185
757-253-6695
commissioner.revenue@jamescitycountyva.gov
www.jamescitycountyva.gov/Commissioner-of-the-Revenue

Locating a Business & Determining Permitting Requirements

If I do not plan to operate the business from my home, how do I know where my business is allowed to operate?

The James City County Zoning Ordinance, Comprehensive Plan, and Comprehensive Plan Land Use Map are important tools in determining where to locate a business. The Zoning Ordinance allows certain uses within specific zoning districts; you should first determine where your proposed business is permitted "by right," meaning the County Zoning Code specifically permits your proposed business in a specific zoning district. Some specific businesses are permitted only with a Special Use Permit, which can only be granted by the elected body. If you have a specific property in mind, it may not currently be zoned to accommodate your proposed business and may need to have the zoning changed, or rezoned, which also can only be approved by the elected body. The Comprehensive Plan and Land Use Map act as goals or guides, in terms of the development the County would like to see in certain areas. It is very important to check with the Zoning Enforcement Division to ensure that the proposed property for your business is properly zoned and designated or if additional approval is needed. Both a Special Use Permit and Rezoning require legislative approval, meaning approval by the James City County Planning Commission and the James City County Board of Supervisors. Planning staff can assist with the application process for both Special Use Permits and Rezoning cases.

James City County Zoning Enforcement

101-A Mounts Bay Road Williamsburg, VA, 23185 757-253-6685 zoning@jamescitycountyva.gov www.jamescitycountyva.gov/Zoning-Enforcement

What if a previous business operated from the business location I selected for my proposed business?

The James City County Zoning Code identifies distinct business operations and each zoning district permits different types of business operations. Just because a building or site previously operated as a business does not necessarily mean your proposed business can operate there without further approval. It is imperative to confirm the zoning and permitted uses before proceeding to purchase a property or incurring other costs. The County Zoning Enforcement Division can assist in evaluating if a change of use form, site plan or site plan amendment, or other approvals are needed.

James City County Zoning Enforcement

101-A Mounts Bay Road
Williamsburg, VA, 23185
757-253-6685
zoning@jamescitycountyva.gov
www.jamescitycountyva.gov/Zoning-Enforcement

What is a site plan?

If you are planning to build a new structure, build an addition, rehabilitate/convert an existing structure, or make changes to the property (add parking, reconfigure access to the property, etc.), you will need to file a Site Plan and a Site Plan Application with the County Planning Division. A site plan shows the location of existing and proposed buildings, including outbuildings, as well as parking areas, drainage areas, entrances from public streets and the location of utility lines, among other details about the property. Typically site plans are prepared by licensed Professional Engineers or Land Surveyors; after being submitted to the County the plan gets reviewed by all appropriate review agencies (Virginia Department of Transportation; Zoning; Planning; Engineering & Resource Protection; James City Service Authority; Fire Department; and/or the Virginia Department of Health, as applicable to the application.). Once all comments have been addressed, final approval will be issued. Sometimes this takes two or more rounds of submittals and comment.

What is a conceptual plan?

It is recommended you meet with Planning or Zoning staff to discuss your plans before incurring any costs or committing to a lease or purchase of property. This discussion could result in questions that arise and need to be answered by staff from other divisions or agencies. A conceptual plan is an informal sketch that helps describe your proposed project. By submitting an application and a conceptual plan you are officially requesting feedback that will assist in determining what approvals are necessary for you to proceed.

This process is much less formal than a site plan application and can assist you with identifying critical issues and specific information that will be needed for a formal site plan application. An application for a Conceptual Plan review carries a fee of \$25.

James City County Planning

101-A Mounts Bay Road Williamsburg, VA 23185 757-253-6685 http://www.jamescitycountyva.gov/Planning

Sign Regulations

If I want to erect a sign for my business, what are the requirements?

All signs require an approved sign permit issued by the Zoning Enforcement Division. However, signs may also require a building permit depending on type, size and illumination of the sign. There are restrictions on the size and placement of the signs. The County Zoning Enforcement Division can provide more information on specific sign requirements.

James City County Zoning Enforcement

101-A Mounts Bay Road
Williamsburg, VA, 23185
757-253-6685
zoning@jamescitycountyva.gov
www.jamescitycountyva.gov/Zoning-Enforcement

Building Permits

Once you have confirmation that your property is properly zoned for your business and you have an approved site plan, obtaining the proper building permits is the next step. The following section provides answers to many commonly asked questions about building permits.

When is a building permit required?

A permit is required by the Virginia Uniform Statewide Building Code for almost all repairs, alterations, and new work for buildings, and electrical, plumbing/mechanical (heating & air) work. There are a few limited exceptions.

If the electricity and gas have been turned off to a vacant business location, what is necessary to restore it?

An application for service with the appropriate utility may be all that is necessary. However, if the gas has been off more than one year, it is necessary to obtain a "reconnect" permit from the Building Safety & Permits Division. The County will only perform an inspection for electrical reconnect after being contacted by the power company. Once this permit has been obtained, an inspection will be required to determine if the facility is safe

and if service can be restored. If it is determined that any electrical problem exists, an electrical "reconnect" permit may be required.

How long does it take to get a permit?

Simple permits such as reconnect permits may be issued during one visit to the Building Safety & Permits Division. Permits for large, complex structures may take three weeks.

Who can apply for a permit?

An owner, tenant, or licensed contractor can legally apply for a permit in Virginia. It is against State Regulations for an owner or tenant to obtain a permit and then hire an unlicensed contractor to do the work.

What is required if a business wants to add on to an existing building or build a new building? A site plan must first be approved indicating the location of the proposed footprint on the site (for commercial uses). Building permits are also required. The site plan must be approved prior to the issuance of the building permit, but the building permit application can be reviewed concurrently with the site plan review.

For information on building permits and review requirements, contact the:

James City County Building Permits & Safety

101-E Mounts Bay Road Williamsburg, VA, 23185 757-253-6626

Fax: 757-259-4038

www.jamescitycountyva.gov/Building-Safety-Permits

Community Development

The James City County Department of Community Development consists of the following Divisions: Building Safety & Permits, Engineering and Resource Protection, Neighborhood Development, Planning, and Zoning Enforcement.

James City County Community Development

101-A Mounts Bay Road Williamsburg, VA 23185 757-253-6671

www.jamescitycountyva.gov/Community-Development

IV. Fire Code

James City County has adopted for local enforcement the Virginia Statewide Fire Prevention Code. The James City County Fire Department conducts inspections of businesses in the County for compliance to the code on an annual basis. The Fire Marshal's Office is the division of the Fire Department responsible for enforcement of the Statewide Fire Prevention Code.

To ensure that your business complies with these codes, contact:

James City County Fire Code Enforcement/Fire Marshal 5077 John Tyler Highway Williamsburg, VA 23185 757-220-0626 www.jamescitycountyva.gov/Code-Enforcement-Investigations

V. Business Startup Resources

Launchpad: the Greater Williamsburg Business Incubator

Launchpad is a joint regional initiative between the Economic Development Authorities of James City County, the City of Williamsburg, and York County to support entrepreneurship in Greater Williamsburg. It is managed by the College of William & Mary. Launchpad provides entrepreneurs and startups in Greater Williamsburg with the amenities, counseling, and services necessary to grow a successful business.

To learn more, please visit www.gwlaunchpad.com or contact go@gwlaunchpad.com.

Hampton Roads Small Business Development Center

For established firms, emerging companies or aspiring entrepreneurs, the Virginia SBDC is the place where businesses go to talk business. Counseling, training and information resources are the hallmarks of the SBDC program. Business owners and managers can count on professional guidance, experienced insight, practical solutions and respect for confidentiality when they work with a Virginia SBDC.

Co-located with Launchpad 757-565-4373 www.hrsbdc.org

Williamsburg SCORE Chapter 0549

The Service Corps of Retired Executives (SCORE) offers free and confidential counseling, workshops on management, and a resource index for start-up or existing business.

Williamsburg SCORE has been dedicated to providing free small business advice and mentoring services since October 1985.

Co-located with Greater Williamsburg Chamber and Tourism Alliance 421 N Boundary Street

Williamsburg, VA 23185 757-229-6511

www.scorewilliamsburg.org.

VI. Financing Your Business

U.S. Small Business Administration

The U.S. Small Business Administration (SBA) was created in 1953 as an independent agency of the federal government to aid, counsel, assist and protect the interests of small business concerns, to preserve free, competitive enterprise and to maintain and strengthen the overall economy of our nation. We recognize that small business is critical to our economic recovery and strength, to building America's future, and to helping the United States compete in today's global marketplace. Although SBA has grown and evolved in the years since it was established in 1953, the bottom line mission remains the same. The SBA helps Americans start, build and grow businesses. Through an extensive network of field offices and partnerships with public and private organizations, SBA delivers its services to people throughout the United States, Puerto Rico, the U. S. Virgin Islands and Guam.

Virginia District Office

400 North 8th Street, Suite 1150 Richmond, VA 23219 804-771-2400 Fax: 804-771-2764

www.sba.gov

Virginia Small Business Financing Authority

The Virginia Small Business Financing Authority (VSBFA) stands ready to assist those businesses and non-profit organizations looking to grow in Virginia, local economic development authorities and municipalities needing debt financing to attract businesses into their jurisdictions, as well as bankers seeking to find creative ways in which to make that next loan to a small business. The VSBFA is a political subdivision of the Commonwealth of Virginia whose mission is to promote Virginia businesses by increasing access to capital through the creative application of public and private financing, thereby maximizing employment opportunities and investment throughout the Commonwealth. Through its portfolio of financing programs, the VSBFA assists in three primary ways:

1. Direct Lending: In partnership with banks and other lenders, VSBFA provides direct loans in economic development transactions. VSBFA also provides

- direct loans under specific programs designed to promote environmental stewardship and assist licensed daycare centers and family home providers.
- 2. Indirect Lending: VBSFA provides loan guarantees or other types of credit enhancements to commercial banks in order to increase access to capital for businesses.
- 3. Conduit Financing: VSBFA is the statewide conduit issuer of tax-exempt industrial development bonds for manufacturers and 501c3 organizations.

In order for the VSBFA to offer a business financing assistance, the business must meet VSBFA's credit standards and meet the definition of a small business as defined in the Code of Virginia. That definition states that a "small business" must meet at least one of the following criteria:

- Has fewer than 250 employees; or
- Has less than \$10 million in annual gross revenues for each of its last three fiscal years; or
- Has a net worth of \$2 million or less; or
- Is a not-for-profit entity granted tax-exempt status under § 501 c 3 of the Internal Revenue Code and operating in the Commonwealth of Virginia.

Contact Information:

Virginia Small Business Financing Authority 804-371-8254 www.vabankers.org/VSBFA